

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

SHERRY MARIE WILSON,)	
)	
Plaintiff,)	
)	No. _____
vs.)	Judge _____
)	JURY DEMAND
THE NEW BAKERY TRANSPORTATION)	
COMPANY, LLC., BIMBO QSR OHIO,)	
LLC., ROBERT HASSELBERGER, and)	
KEVIN LEWIS,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendants, The New Bakery Transportation Company, LLC, Bimbo QSR Ohio, LLC, and Robert Hasselberger, by and through counsel, file this Notice of Removal of this action from the Circuit Court in Davidson County, Tennessee, where it is now pending, to the United States District Court for the Middle District of Tennessee, based upon diversity of citizenship and an amount in controversy exceeding \$75,000.00. The grounds for removal are as follows.

1. This action was commenced on or about February 8, 2022, by Plaintiff filing of the Complaint in the Davidson County Circuit Court in Nashville, Tennessee, Case No. 22C229 (the "Complaint"). A true and accurate copy of the Complaint served upon Defendants in this action is attached as Exhibit A.

2. In her Complaint, Plaintiff sued The New Bakery Transportation Company, LLC, Bimbo QSR Ohio, LLC and Robert Hasselberger. Plaintiff's cause of action arises from an automobile accident that occurred in Davidson County, Tennessee on February 14, 2021.

The Complaint contains allegations of negligence by Defendants. (Exhibit A, generally). The Complaint asserts that Plaintiff is entitled to recovery of compensatory damages. (*Id.*, page 11).

3. Plaintiff is a citizen and resident of Madison, Davidson County, Tennessee. (Exhibit A., ¶ 1).

4. Defendant The New Bakery Transportation Company, LLC is an Ohio limited liability company with its principal place of business in Illinois. (*Id.*, ¶ 2). The New Bakery Transportation Company, LLC was served with process on March 21, 2022.

5. Defendant Bimbo QSR Ohio, LLC is an Ohio limited liability company with its principal place of business in Illinois. (*Id.* ¶ 3). Bimbo QSR, LLC was served with process on March 21, 2022.

6. Defendant Robert Hasselberger is a citizen and resident of Ohio. (*Id.* ¶ 4). Mr. Hasselberger was served with process on March 29, 2022.

7. In the caption of the Complaint, Kevin Lewis, who is presumed to be a Tennessee resident, is listed as a defendant. However, there is no cause of action stated against Mr. Lewis the body of the Complaint and no allegations of wrongdoing are made against him. Additionally, no summons was issued against him in the action. Based upon a conversation counsel for Defendants had with counsel for Plaintiff, Craig Glenn, on Tuesday, April 19, 2022, Mr. Lewis's name was inadvertently placed in the caption, and Mr. Glenn confirmed that Mr. Lewis is not a defendant in the action.

8. Accordingly, the United States District Court for the Middle District of Tennessee has original jurisdiction over this action pursuant to 28 U.S.C. § 1332, as there is complete diversity of the parties, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. While the Complaint does not contain an *ad damnum*, based upon

discussions with Plaintiff's counsel, it is clear that Plaintiff seeks damages to exceed \$75,000.00, as she claims to have sustained serious personal injuries that have resulted in significant medical expenses, and counsel would not agree to stipulate that the amount in controversy is less than \$75,000.00.

9. This Notice is being filed within 30 days of service on the last-served Defendant, Robert Hasselberger, and is therefore proper pursuant to 28 U.S.C. § 1446. Mr. Hasselberger was served 30 days prior to the filing of this Notice of Removal, on March 29, 2022.

10. A copy of this Notice of Removal is being served by U.S. mail on counsel for Plaintiff, and a Notice of Filing of Notice of Removal is being filed with the Davidson County Circuit Court in Nashville, Tennessee, in accordance with 28 U.S.C. § 1446(d). (Copies of those notices are attached as Exhibit B.) The necessary filing fees have been paid simultaneously with the filing of the Notice of Removal.

11. Defendants demand a jury to try this case.

WHEREFORE, Defendants, The New Bakery Transportation Company, LLC, Bimbo QSR Ohio, LLC, and Robert Hasselberger pray this Court consider the Notice of Removal as provided by law governing removal of cases to this Court and that this Court enter the appropriate orders to effect the removal of this case from the Davidson County Circuit Court in Nashville, Tennessee to this Court.

Respectfully submitted,

LEWIS THOMASON, P.C.

By: /s/ David A. Chagas

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Robert Hasselbergerr*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF REMOVAL was filed electronically on the 28th day of April, 2022. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail and email. Parties may access this filing through the Court's electronic filing system.

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/s/ David A. Chngas